ACT No. 342

HOUSE BILL NO. 178

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BY REPRESENTATIVES GISCLAIR, ABRAMSON, AUBERT, AUSTIN BADON, BOBBY BADON, BALDONE, BARRAS, BARROW, BILLIOT, HENRY BURNS, BURRELL, CARMODY, CHAMPAGNE, CHANDLER, CHANEY, CONNICK, CORTEZ, CROMER, DIXON, DOWNS, EDWARDS, ELLINGTON, FRANKLIN, HARDY, HARRISON, HAZEL, HENDERSON, HILL, HINES, HOFFMANN, HONEY, HOWARD, HUTTER, KATZ, LEBAS, LEGER, LIGI, LORUSSO, MILLS, MONTOUCET, MORRELL, MORRIS, NORTON, PEARSON, PETERSON, POPE, PUGH, RICHARD, RICHARDSON, RITCHIE, SCHRODER, JANE SMITH, PATRICIA SMITH, ST. GERMAIN, TALBOT, TEMPLET, TRAHAN, TUCKER, WILLIAMS, WILLMOTT, AND WOOTON AND SENATORS CASSIDY, DONAHUE, DORSEY, DUPRE, LAFLEUR, LONG, AND **NEVERS**

AN ACT

2	To enact R.S. 17:170.3, relative to immunizations; to require certain students to provide
3	documentation of immunization against meningococcal disease; to provide for rules
4	and regulations; to provide for exceptions; and to provide for related matters.
5	Be it enacted by the Legislature of Louisiana:
6	Section 1. R.S. 17:170.3 is hereby enacted to read as follows:
7	§170.3. Immunizations of certain persons against meningococcal disease;
8	exceptions
9	A.(1)(a) Except as provided in Subsection B of this Section, beginning with
10	the 2009-2010 school year and continuing thereafter, a student shall provide
11	satisfactory evidence of current immunization against meningococcal disease as a
12	condition of entry into the sixth grade at any city, parish, or other local public school
13	or nonpublic school.
14	(b) Except as provided in Subsection B of this Section, beginning with the
15	2009-2010 school year and continuing thereafter, a student who is eleven years old
16	and is entering a grade other than the sixth grade shall provide satisfactory evidence
17	of current immunization against meningococcal disease as a condition of entry into
18	such grade at any city, parish, or other local public school or nonpublic school.

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1	(c) Except as provided in Subsection B of this Section, beginning with the
2	2009-2010 school year and continuing thereafter, a student who is eleven years old
3	and is participating in an approved home study program pursuant to R.S. 17:236.1
4	shall provide satisfactory evidence of current immunization against meningococcal
5	disease to the State Board of Elementary and Secondary Education as provided by
6	rule adopted by the board in accordance with the Administrative Procedure Act.
7	(2) The chief administrator of any city, parish, or other local public school
8	or nonpublic school that educates students who are subject to the requirements of this
9	Section shall be responsible for checking students' records to ensure that the
10	provisions of this Section are enforced.
11	B. The provisions of Subsection A of this Section shall not apply to the
12	following persons:
13	(1) Any person whose parent, tutor, or legal guardian signs a waiver stating
14	that the person shall not be immunized against meningococcal disease for religious
15	or other personal reasons.
16	(2) Any person whose parent, tutor, or legal guardian has submitted a written
17	statement from a physician stating that the immunization is contraindicated for
18	medical reasons.
19	(3) Any person who is unable to comply with the provisions of Subsection
20	A of this Section due to a shortage in the supply of available vaccinations against
21	meningococcal disease.
22	C.(1) The provisions of this Section shall be implemented according to rules
23	and regulations promulgated by the secretary of the Department of Health and
24	Hospitals, which shall include an implementation schedule based on ensuring
25	sufficient availability of the required vaccine.
26	(2) The secretary of the Department of Health and Hospitals shall provide
27	such rules, including the implementation schedule, to the state Department of
28	Education by not later than August 1, 2009. The state Department of Education shall
29	notify each city, parish, or other local school board, the governing authority of each
30	nonpublic school system or school in the case of a school not a part of a school

HB NO. 178 **ENROLLED** 1 system, and the parent or legal guardian of any student participating in an approved 2 home study program as specified in Subparagraph (A)(1)(c) of this Section of the 3 requirements of this Section and the rules and schedule for their implementation as 4 provided by this Section. 5 D. Nothing in this Section shall be construed to require any city, parish, or 6 other local public school board, any nonpublic school system or nonpublic school, 7 the state Department of Education, or the Department of Health and Hospitals to 8 provide or pay for immunizations against meningococcal disease. 9 Section 2. This Act shall become effective upon signature by the governor or, if not 10 signed by the governor, upon expiration of the time for bills to become law without signature 11 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If 12 vetoed by the governor and subsequently approved by the legislature, this Act shall become 13 effective on the day following such approval. SPEAKER OF THE HOUSE OF REPRESENTATIVES PRESIDENT OF THE SENATE GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: __